

## **IN THE CLAIMS**

The following listing of claims will replace all prior versions and listings, of claims, in the subject application:

**Claim 1. (Currently amended)** An automated auction and tender system for effecting electronic transactions between a tender initiator and a tender recipient, comprising:

a storage device for storing ~~data which relates to~~ information regarding at least one tender of a multi-variable commodity, wherein said at least one tender having at least one term~~[[,]]~~ ;

a processing device for generating at least one tender, wherein said at least one tender is created by said tender initiator, and wherein said at least one tender having an exception request which permits a change to said at least one term of said multi-variable commodity includes an authorization to receive a request to change said at least one term of said multi-variable commodity, said request being submitted by said tender recipient;

a communication network for transmitting information, corresponding to said at least one tender, to said tender recipient,

said communication network further configured for receiving ~~[[a]]~~ said request from said tender recipient to change said at least one term of said at least one tender,

wherein said at least one term is changed to create an amended tender, wherein said amended tender includes said at least one term and a changed term,

wherein said tender initiator creates said amended tender upon accepting said request to change said at least one term from said tender recipient,

~~wherein said at least one term that is changed is requested by said tender recipient only if said exception request permits a change when said at least one tender is generated by said tender initiator,~~

wherein said at least one term of said at least one tender that is changed relates to a physical characteristic of the complex multi-variable commodity.

**Claim 2. (Canceled)**

**Claim 3. (Canceled)**

**Claim 4. (Original)** The system according to claim 1, wherein the processing device executes a program on a remote device.

**Claim 5. (Original)** The system according to claim 1, wherein the storage device includes a database storing data which is related to the at least one tender.

**Claim 6. (Original)** The system according to claim 5, wherein the database is a relational database.

**Claim 7. (Canceled)**

**Claim 8. (Currently Amended)** The system according to claim 1, wherein the processing device:

receives ~~[[the]]~~ said stored data information, wherein said stored information includes information for creating said at least one tender~~[[,]]~~:

analyzes ~~[[the]]~~ said stored data information to create analyzed information, and transmits ~~the~~ said analyzed information to a further processing device, wherein ~~[[the]]~~ said analyzed information is transmitted in response to ~~[[the]]~~ said received data stored information.

**Claim 9. (Original)** The system according to claim 1, wherein the processing device at least one of transmits and receives the information electronically via the Internet.

**Claim 10. (Original)** The system according to claim 1, wherein the processing device at least one of transmits and receives information electronically via a network of further processing devices.

**Claim 11. (Currently amended)** A computer-implemented method for effecting electronic transactions between a tender initiator and a tender recipient, comprising the steps of:

storing, via a storage device in communication with the tender initiator, ~~data~~ information regarding which relates to at least one tender of a multi-variable commodity having at ~~[[lest]]~~ least one term;

generating, via a processing device in communication with a network server, the at least one tender by the tender initiator, wherein the at least one tender ~~having an exception request which permits a change to~~ includes an authorization to receive a request to change the at least one term of the multi-variable commodity;

transmitting, via a communications network, information corresponding to the at least one tender to the tender recipient;

receiving, via the communications network, a request from the tender recipient to change the at least one term,

~~wherein the at least one term that is changed is requested by the tender recipient only if the exception request permits a change when the at least one tender is generated by the tender initiator,~~

wherein the at least one term is changed to create an amended tender, wherein the amended tender includes the at least one term and a changed term,

wherein the tender initiator creates the amended tender upon accepting the request to change the at least one term from the tender recipient,

wherein the at least one term of the at least one tender that is changed by the exception relates to a physical characteristic of the complex multi-variable commodity.

~~wherein said at least one term that is changed is requested by said tender recipient only if said exception request permits a change when said at least one tender is generated by said tender initiator;~~

wherein said at least one term of said at least one tender that is changed relates to a physical characteristic of the complex multi-variable commodity.

**Claims 12-14. (Canceled)**

**Claim 15. (Withdrawn)** A method for a tender recipient to respond to at least one tender created by a tender initiator, comprising the steps of:

receiving via the communications network in communication with the tender recipient, at least one tender for a multi-variable commodity having at least one term, wherein the at least one tender having an exception request, and wherein the exception request permits a change to the at least one tender;

transmitting, via the communications network in communication with the tender recipient, a request to change the at least one term of the multi-variable commodity; and

accepting, via the communications network in communication with the tender recipient, the request by the tender initiator to change the at least one term of the multi-variable commodity,

wherein the at least one term that is changed is requested by the tender recipient only if the exception request permits a change when the at least one tender is received by the tender initiator,

wherein the at least one term of the at least one tender that is changed by the exception relates to a physical characteristic of the complex multi-variable commodity.

**Claim 16. (Canceled)**

**Claim 17. (Withdrawn)** A system for utilizing at least one tender created by a tender initiator, comprising:

a storage device for storing data which relates to said at least one term of said at least one tender for a complex multi-variable commodity, wherein said at least one tender having an exception request permitting a change to said at least one term of said multi-variable commodity; and

a processing device for transmitting and receiving information corresponding to said stored data, wherein said processing device at least one of transmits and receives said information corresponding to said stored data electronically via an Internet, and receiving a request from a tender recipient to change a term of said at least one tender, wherein said processing device receives said request from said tender recipient only if said exception request is transmitted with said at least one tender,

wherein said term of said at least one tender that is changed relates to a physical characteristic of said complex multi-variable commodity.

**Claim 18. (Canceled)**

**Claim 19. (Withdrawn)** The system according to claim 17, wherein the processing device executes a program on a remote device.

**Claim 20. (Withdrawn)** The system according to claim 17, wherein the storage device includes a database storing data which is related to the at least one tender.

**Claim 21. (Withdrawn)** The system according to claim 20, wherein the database is a relational database.

**Claim 22. (Withdrawn)** The system according to claim 17, wherein the processing device:

receives the stored data,

analyzes the stored data, and

transmits the information to a further processing device, wherein the information is transmitted in response to the received data.

**Claim 23. (Canceled)**

**Claim 24. (Withdrawn)** The system according to claim 17, wherein the processing device at least one of transmits and receives information electronically via a network of further processing devices.

**Claim 25. (Canceled)**

**Claim 26. (Withdrawn)** A method for utilizing at least one tender created by a tender initiator, comprising the steps of:

receiving, via a network of processing devices in communication with a tender initiator, data for the at least one term of the at least one tender, wherein the at least one tender is provided for a complex multi-variable commodity;

transmitting, via the communications network, the at least one tender corresponding to the received data, wherein the at least one tender having an exception request;

accepting, via the network of processing devices in communication with the tender initiator, a request from the tender recipient for an exception to change the at least one term of the at least one tender,

wherein the at least one term is changed by only if the exception is transmitted by the tender initiator,

wherein the at least one term of the at least one tender that is changed by the exception relates to a physical characteristic of the complex multi-variable commodity.

**Claim 27. (Canceled)**

**Claim 28. (Withdrawn)** The method according to claim 26, wherein the data is at least one of received and transmitted electronically via the Internet.

**Claims 29-37. (Canceled)**



**Claim 38. (Withdrawn)** The system according to claim 17, further configured to enable the tender initiator to reject the exception.

**Claim 39. (Withdrawn)** The method according to claim 26, further comprising: enabling the tender initiator to reject the exception.

**Claim 40. (Canceled)**